

Exhibit D

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MAGGIE McNAMARA,
Plaintiff

-vs-

SUSQUEHANNA COUNTY,
et al,
Defendants

) CIVIL ACTION - LAW
)
)

) NO. 3:17-CV-2182-MEM
)
)

ROBERT STOUD,
Plaintiff

-vs-

SUSQUEHANNA COUNTY,
et al.,
Defendants.

) CIVIL ACTION - LAW
)
)

) NO. 3:17-CV-2183-MEM
)
)

x

DEPOSITION TESTIMONY OF

ALAN M. HALL

WEDNESDAY, AUGUST 15, 2018

MAZZONI KARAM PETORAK & VALVANO
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SCRANTON, PENNSYLVANIA

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 ORIGINAL

C O U N S E L P R E S E N T :

On behalf of the Plaintiff:

MAZZONI KARAM PETORAK & VALVANO
BY: GERARD M. KARAM, ESQ.
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On behalf of the Defendant:

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STIPULATIONS

It was agreed by and between counsel that all objections, except as to the form of the question, will be reserved until the time of trial.

It was further agreed that the reading, signing, sealing and filing of the deposition transcript will be waived.

INDEX OF WITNESSES

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By Mr. Karam	3

1 **A L A N M. H A L L, COMMISSIONER,**

2 WAS CALLED, AND HAVING BEEN DULY SWORN,

3 WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 COURT REPORTER: Usual stipulations,
5 counsel?

6 MR. HAILSTONE: Yes.

7 MR. KARAM: Yes.

8
9 **EXAMINATION BY MR. KARAM:**

10 Q. Would you please state your name for
11 the record?

12 A. Alan M. Hall.

13 Q. And how are you currently employed?

14 A. I'm the Chairman of the County
15 Commissioners of Susquehanna County, plus I'm
16 self-employed.

17 Q. Do you mind if I call you Commissioner
18 for today?

19 A. Whatever you want to do.

20 Q. How are you self-employed?

21 A. I'm a Real Estate Agent.

22 Q. And if you had to put a split on the
23 time you spend as Commissioner and Real Estate Agent,
24 what would that be?

25 A. Probably about 75/25.

1 Q. Seventy-five Commissioner?

2 A. Yep.

3 Q. Could you give us your educational
4 background?

5 A. I have a four year Business Degree from
6 Wilkes University.

7 Q. And how about your work history?

8 A. I worked many jobs through my career.
9 I was self-employed at thirteen to Universal
10 Instruments Corporation where I was Manager of
11 Manufacturing Facilities, and also Manager of
12 Production and Inventory Control.

13 Q. And then from where did you go?

14 A. Universal, I went to a company called
15 Red's Garage, I was Manager of his Towing and
16 Recovery Operation, heavy equipment. And from there
17 I went into the transportation field with Holmes
18 Transportation, I was a driver and dispatcher for
19 them, they went out business. I went to work for
20 Yellow Freight, I was a driver, dispatcher, morning
21 manager, and then they merged with Roadway and I
22 retired from there.

23 Q. And then ran for office?

24 A. Then ran for office.

25 Q. Did you run individually or as a team

1 with somebody?

2 A. Individually.

3 Q. And have you run individually every
4 time?

5 A. Every time.

6 Q. When were you first elected?

7 A. 2012 I think.

8 Q. And when you were elected in 2012, who
9 were the other Commissioners in Susquehanna County?

10 A. The ones that were elected at that time
11 were Maryann Warren, she was the Democrat; Mike
12 Giangrecco, he was the Republican.

13 Q. And how would you characterize your
14 governing style, did you work as a team or was it
15 party rule governing?

16 A. I would say most generally it was as a
17 team.

18 Q. Have you ever given a deposition
19 before?

20 A. Yes.

21 Q. When?

22 A. I can't recall, it was few years ago on
23 a case involving Clean and Green.

24 Q. Was it as a Commissioner --

25 A. Yes.

1 Q. -- that you gave the deposition?

2 A. Yes.

3 Q. Did you prepare for your deposition
4 here today at all?

5 A. No.

6 Q. Did you speak with anybody prior to
7 coming for the deposition?

8 A. Just my attorney.

9 Q. And who is your attorney?

10 A. Jamie.

11 Q. And did you review any documents?

12 A. No.

13 Q. Do you know Steve Stoud?

14 A. Yes.

15 Q. And how do you know Steve?

16 A. He was an employee at the County. I
17 was one of the individuals that hired him.

18 Q. Tell me about how Steve was hired?

19 A. He was hired, we had an issue in our
20 911 EOC not being efficient and not being managed
21 properly. We were looking for a Public Safety
22 Director and his name came up, we interviewed him and
23 hired him for that position.

24 Q. And what year would that have been?

25 A. I can't recall. I mean, it's got to be

1 '14, '15; '13 maybe.

2 Q. It was during your first term?

3 A. It was during my first term, yes.

4 Q. And what has your working relationship
5 been like with Steve since you hired him?

6 A. Redefine that please?

7 Q. Well, do you have any -- during your
8 term as Commissioner and Steve's employment with the
9 County, did you have any problems with Steve?

10 A. Did I personally, no.

11 Q. Did you have any problems with his work
12 product?

13 A. With his product, no, I did not.

14 Q. Do you know Maggie McNamara?

15 A. Yes, I do.

16 Q. How do you know Maggie McNamara?

17 A. She was an employee of the County.

18 Q. And were you involved in her hiring?

19 A. Well, County Commissioners always are
20 involved in the hiring except for another elected
21 official, so everything has to get finally approved
22 by the County Commissioners.

23 Q. Did you interview her?

24 A. My recollection is that I did not
25 interview her, that was done by Steve and probably

1 the HR Director at the time.

2 Q. During your term as Commissioner, did
3 you have or witness any problems with Maggie
4 McNamara's work product?

5 A. The only thing that I can recall is the
6 issues that the Commissioners had with the Agenda and
7 the punctuation or substance of the Agenda.

8 Q. Why don't you describe who had the
9 problems and what the problems were?

10 A. Well, it was the other Commissioners,
11 the other two Commissioners --

12 Q. Who were?

13 A. Commissioner Warren and Commissioner
14 Arnold were the ones that basically reviewed the
15 Agendas and looked for things that they felt weren't
16 correct as far as typos or substances that weren't
17 correct, that's something I didn't really pay that
18 much attention to.

19 Q. You didn't believe it to be
20 significant?

21 A. Well, my management style was
22 different. I didn't worry about crossing the t's and
23 dotting the i's. I was worried about keeping the
24 wheels on the bus.

25 Q. So other than that, you had no problem

1 with Maggie McNamara's work product?

2 A. No, I did not.

3 Q. How about Richard Ely, do you know him?

4 A. Yes.

5 Q. Tell me, how do you know him?

6 A. He was hired as the HR Director at
7 Susquehanna County.

8 Q. And who was involved in the interview
9 process in hiring him?

10 A. That was the Commissioners.

11 Q. You being one?

12 A. Yes.

13 Q. Was Steve Stoud involved in the
14 interviewing process?

15 A. I can't remember if he was or not.
16 I can't remember the time he was hired versus Steve,
17 but if he had been there, he probably would have
18 been.

19 Q. And what was he hired as?

20 A. HR Director.

21 Q. So can you tell me as Commissioner,
22 what are the duties of the HR Director?

23 A. Well, at Susquehanna County it was a
24 little bit different than most places. But basically
25 it was taking care of people's medical, making sure

1 they were signed up, making sure that the Pension
2 things were filled out correctly, working with the
3 Actuary, making sure the Actuary had the information
4 they needed, trying to take care of the, you know,
5 personnel issues. If somebody had a personnel issue,
6 one of the other elected officials or one of the
7 Department Heads try to intervene and make sure
8 people were doing things correctly.

9 Q. Did there come a point in time when
10 there was a HR issue involving Rich Ely himself?

11 A. Can you be more specific?

12 Q. Well, did there come a time when Maggie
13 McNamara made a complaint about Rich Ely?

14 A. Yes.

15 Q. Tell me what you knew about that?

16 A. I had received a phone call from the
17 Chief Clerk, which was Mr. Stoud, that apparently
18 there was an issue at work, where apparently Mr. Ely
19 was hugging or kissing people for a Christmas
20 farewell right before Christmas.

21 Q. And how was that complaint handled?

22 A. It was given to Mr. Stoud to
23 investigate and to inform us as to what the findings
24 were.

25 Q. And what was your understanding of what

1 Mr. Stoud's findings were?

2 A. That there was an incident in the
3 office where he had been hugging. And apparently
4 there was one lady that came in the office from vote
5 register I think she was, came in and hugged and gave
6 Rich a kiss, and then apparently others in the office
7 did partake in the same thing.

8 My understanding is that at that point
9 nothing occurred in the office except maybe the look
10 at each other between McNamara and Ely. But then he
11 apparently went to the parking lot, and my
12 understanding was, he tapped on the window, she
13 rolled the window down, and at that point he offered
14 to -- my understanding, I think it was to give her a
15 Christmas wish or kiss or whatever on the cheek or
16 whatever, and my understanding was that she said no,
17 and backed away and he backed away and that was the
18 end of it.

19 Q. And was there a finding by the
20 Commissioners as to whether this amounted to
21 harassment?

22 A. There was a finding by the
23 Commissioners that it was --well, I guess a type of
24 harassment you would call it, that it was an act of
25 unwanted gesture that the Commissioners deemed was

1 not appropriate.

2 Q. And did Mr. Ely, did he acknowledge
3 that it was not appropriate?

4 A. Yes, I do recall that he did write a
5 letter of response acknowledging that what he did was
6 not right, he shouldn't have done it, yes.

7 Q. And did Mr. Stoud make any
8 recommendations regarding discipline of Mr. Ely?

9 A. Yes.

10 Q. What was his recommendation?

11 A. His recommendation at the time, he felt
12 that Mr. Ely needed to be let go for the incident.

13 Q. And what did the Commissioners
14 conclude?

15 A. The Commissioners concluded that the
16 infraction at that time, that as a group of
17 Commissioners that he was going to be given a Final
18 Written Warning, that the incident was not
19 appropriate and any further types of incidents of any
20 kind would lead to his termination.

21 Q. And was that a unanimous decision of
22 the Commissioner?

23 A. I would say -- I would say no.

24 Q. What was the vote, how did the vote
25 break down?

1 A. Well, let me rephrase that. It was not
2 a vote because we didn't take a vote because
3 Commissioner Giangrecco was outgoing at the time so
4 he abstained from it all, which left Commissioner
5 Warren and myself.

6 Q. Just Commissioner Warren and yourself?

7 A. Right, at that time. Commissioner
8 Arnold hadn't taken office at that point. So at that
9 point it was a split between her and I as to what
10 should happen.

11 Q. What did you believe should happen?

12 A. I was leaning toward termination but I
13 agreed to keeping him and doing the Written Warning.

14 Q. And can I assume that one of the
15 reasons you were leaning towards termination because
16 was the fact that he was the HR Director of the
17 County acting in an inappropriate way with another
18 employee?

19 A. That's correct.

20 Q. Any other reasons?

21 A. No.

22 Q. So who notified Mr. Ely of the decision
23 that he would just -- what was the discipline?

24 A. It was a Formal Written Warning that
25 was created by our Labor Attorney and came back to

1 our Chief Clerk which was Mr. Stoud to administer.

2 Q. And was that placed in his personnel
3 file then?

4 A. Yes.

5 Q. And it still would be there?

6 A. I would hope.

7 Q. And during your time as Commissioner,
8 was there a Chain of Command Policy that was
9 instituted ever?

10 A. Well, yeah, there's always been a Chain
11 of Command with the County.

12 Q. And why don't you tell me what that is?

13 A. Well, The Chain of Command is that
14 everybody is supposed to -- if there's an issue,
15 they're supposed to work with their Immediate
16 Supervisor and work up the ladder. If they have an
17 issue, they go to their Supervisor, if that's a
18 problem, then they go to their Manager, if that
19 doesn't get resolved, on up to Chief Clerk, and then
20 to the County Commissioners. And vice versa, if the
21 Commissioners need something, they go to whoever
22 reports directly to the Commissioners and they're
23 supposed to handle it down through.

24 Q. So when it comes to the Commissioners,
25 if there is an issue, who are the Commissioners

1 supposed to go to?

2 A. I'm sorry?

3 Q. So if there is an issue within the
4 County that the Commissioners want to investigate or
5 have a question on, how are the Commissioners
6 supposed to handle that situation?

7 A. They go to whoever the direct report is
8 to the Commissioners, if it's the --

9 Q. Would that be the Chief of Staff?

10 A. The Chief Clerk, depending on how it
11 was split up at the time. We did have the Chief
12 Clerk reported to the County Commissioner at one
13 point and the Public Safety Director reported, so it
14 depends on whose department it was.

15 Q. And is it appropriate for a
16 Commissioner to go to an employee that may have two
17 or three Supervisors above him, would it be
18 appropriate for a Commissioner to go directly to that
19 employee?

20 A. Well, they can. I mean, they don't
21 have to follow the Chain of Command. I mean, they
22 are a Commissioner, they can pretty much do what they
23 want.

24 Q. Would it be appropriate?

25 A. Well, I guess it depends on who you're

1 asking.

2 Q. I'm asking you?

3 A. Well, me, I wouldn't do that. I would
4 go to the person that I should be going to which
5 would be the Chief Clerk.

6 Q. Commissioner Arnold came in what year?

7 A. '16, '17. She started the beginning of
8 '16 maybe.

9 Q. Did there become issues with regard to
10 the Commissioner Chain of Command with Commissioner
11 Arnold?

12 A. Yes.

13 Q. Can you tell me about that?

14 A. Well, she was notorious of going to
15 employees directly and not going to Supervisors or
16 Department Heads or the Chief clerk.

17 Q. And was she ever warned against doing
18 this?

19 A. Yes.

20 Q. Who would warn her against doing this?

21 A. There was actually -- I did as the
22 Chairman of the Commissioners after talking to the
23 other Commissioner Warren that we agreed that we
24 needed to do something, and also our County Solicitor
25 Giangrecco also gave her a letter.

1 Q. What were the instances that led you to
2 warn her against behaving this way?

3 A. The issue I remember is that she went
4 into the Public Safety Department and talking to
5 people in the Public Safety Department that were two
6 or three levels down and talking to them, you know,
7 personnel issues and other issues with the County.

8 Q. And at the time who was the Director of
9 Public Safety?

10 A. That was Mr. Stoud.

11 Q. Did you witness any personal issues
12 that Commissioner Arnold may have had with Steve
13 Stoud?

14 A. Personal in what way?

15 Q. Personal animus against him?

16 A. Yes, there was said from the beginning
17 that part of what she ran on was the management of
18 the County had to go.

19 Q. But isn't that more style than personal
20 management style?

21 A. Her style is how she wants to do
22 things, yeah.

23 Q. But what I'm saying is, did you see a
24 personal animus that she had against Steve Stoud, she
25 didn't like him?

1 A. I would say that's a true statement.

2 Q. Why would you say that's a true
3 statement?

4 A. I am not positive as to the reasons
5 why.

6 Q. And what did you see her do that would
7 lead you to believe that she had a personal animus
8 against Steve Stoud?

9 A. Well, she had made comments to the HR
10 Director that was Sara (sic) at the time that she
11 wanted him fire.

12 Q. And indeed she stated she wanted Maggie
13 McNamara fired as well, isn't that correct?

14 A. That's true.

15 Q. And would this be very early on in her
16 tenure as a Commissioner when this started?

17 A. Yes.

18 Q. Was it Commissioner Arnold and
19 Commissioner Warren the ones who were complaining
20 about typos and grammar errors and Maggie McNamara's
21 agenda?

22 A. I would say that's true.

23 Q. Both of them?

24 A. Yes.

25 Q. Did you ever have discussions with him,

1 that hey, look, this isn't that big a deal?

2 A. Well, I had discussions with them and I
3 didn't say it wasn't that big a deal. I did have
4 discussions with them to say that they needed to try
5 and meet with Maggie and Steve and work it out and
6 come to a resolution as to the issues and problems,
7 that it wasn't productive in the way things were
8 going.

9 Q. Did there come a point in time when
10 Commissioner Warren indicated to you that she wanted
11 to intentionally embarrass Maggie McNamara by
12 exposing these typos and grammar errors?

13 A. I would say that the comment was more
14 of, well, if it's not going to get fixed before the
15 meeting, then I'll just bring it up in the meeting
16 then.

17 Q. Did she say her intention was to
18 embarrass Maggie at the meeting?

19 A. I think the wording was that -- she
20 didn't say that she was intentionally trying to
21 embarrass her. Her comment was, that she would
22 probably be embarrassed if I bring this up at the
23 meeting.

24 Q. At that point in time, Maggie
25 McNamara's position was of Deputy Chief Clerk, is

1 that accurate?

2 A. Yep.

3 Q. And her office was in Commissioners'
4 office?

5 A. Right.

6 Q. After Rich Ely was disciplined when he
7 was HR Director, did there come a point in time when
8 you moved him?

9 A. Yes.

10 Q. Where did you move him?

11 A. He was moved out -- a Veterans Affairs
12 person was discharged and we needed somebody in our
13 Veterans Affairs, he was a Veteran, so he was
14 qualified, we thought it would be our best fit to
15 move him to our Veterans Affairs office.

16 Q. Why was the Veterans Affairs guy
17 discharged?

18 A. I can't remember. He was goofing off,
19 not doing his job. I can't recall.

20 Q. Could it be a sexual harassment against
21 him?

22 A. Not that one.

23 Q. So Rich went into Veterans Affairs
24 which is in another building?

25 A. Was in another building.

1 Q. Was in another building. And then did
2 come a point in time when the Commissioners or one
3 Commissioner or two Commissioners indicated to Maggie
4 McNamara, you have to go over there now and help Rich
5 Ely with Veterans affairs?

6 A. I don't know what the other
7 Commissioner said. But I remember my conversation
8 was, asked if she would help out and go over and see
9 what is going on over there to make sure our Veterans
10 get taken care of, but I don't know what the other
11 one said.

12 Q. So she went over there?

13 A. Yes.

14 Q. Can you describe the Veterans Affairs
15 office?

16 A. It's in the County Office Building,
17 it's basically two offices in one, there's a back
18 office and a front office. You go through the front
19 office to get to the back office. And basically the
20 clerical person sat in the front and the Veterans
21 Director sat in the back.

22 Q. And would you describe Maggie's
23 position as the clerical position at that time?

24 A. No. I would classify her position as
25 the Deputy Chief Clerk that was over trying to help

1 out.

2 Q. But she would be working in a clerical
3 position?

4 A. She would be working in that area, yes.

5 Q. And you said it was two offices in one?

6 A. Yeah.

7 Q. So how big of an area was this?

8 A. Each office was probably, you know,
9 eight by twelve.

10 Q. So she'd be working right next to Mr.
11 Ely?

12 A. The first office, there was a wall
13 behind her before you went into the office where he
14 was.

15 Q. I'm going to call your attention now to
16 May of 2016, you were the Chairman of the
17 Commissioners at point in time, correct?

18 A. I believe so, yes.

19 Q. And your Solicitor was Mike Giangrecco?

20 A. Yes.

21 Q. Do you recall Steve Stoud coming to see
22 you and explaining that the situation with
23 Commissioner Arnold and Commissioner Warren as it
24 relates to Maggie McNamara and Steve Stoud was
25 rapidly deteriorating, in that they felt there was

1 hostile work environment between those Commissioners,
2 not you, those Commissioners and themselves?

3 A. Well, we had a conversation about the
4 conditions, the work conditions. And yes, he did
5 say that he felt that it had deteriorated quite a
6 bit, and that, you know, he didn't mention the word
7 hostile.

8 Q. Did he mention the word harassing?

9 A. He may have, I don't recall.

10 Q. Did he mention the word retaliatory,
11 that they were being retaliatory against?

12 A. I don't that.

13 Q. Nonetheless, he came to you and told
14 you that we have a bad situation?

15 A. Yes.

16 Q. And what else was said at that meeting?

17 A. Well, I think it was --and I can't
18 remember the timing -- that this all lead up to that
19 meeting to another meeting of the other two
20 Commissioners which I pulled him into --

21 Q. Him being Steve?

22 A. Steve, I'm sorry, which I pulled Steve
23 into, which was about a performance issue with Maggie
24 McNamara, that that meeting went through -- which was
25 not another -- which wasn't a great meeting either.

1 Q. And I don't want to put words in your
2 mouth but I'm going to paraphrase something.

3 In May of 2016 Steve Stoud goes to you
4 and Mike Giangrecco and says, this situation with the
5 other two Commissioners and Maggie McNamara and Steve
6 Stoud is deteriorating, they claim -- they said it
7 was, you're harassing, hostile; you and Mike in turn
8 decide, well, the other two Commissioners need to be
9 brought in on this, is that accurate?

10 A. Well, what we said was, they all need
11 to get together to have a conversation to work this
12 out.

13 Q. And then they all get together and the
14 meeting turns to, well, how are we going to
15 discipline Maggie McNamara?

16 A. No, that is not true. What happened
17 was, there was tried several opportunities to have
18 conversations between all of them but it got to the
19 point where the other two Commissioners that they
20 weren't happy with what was going on, so they decided
21 to have a meeting to talk about the issue with Mr.
22 Stoud and Maggie McNamara.

23 Q. What weren't they happy with?

24 A. Well, again, it was all about the
25 agendas, and they had something about Maggie talking

1 to Department Heads gruffly or inappropriately.

2 Q. And have any Department Heads come
3 forward and confirmed that?

4 A. Not to me.

5 Q. Did they give you names of Department
6 Heads who came to them and said they're complaining
7 to me about Maggie.

8 A. Actually, I think Commissioner Arnold's
9 response was, that she didn't have to tell anybody
10 the names that she was talking to.

11 Q. So she wouldn't share the names with
12 the Chairman of the Commissioners?

13 A. No.

14 Q. Okay. Sorry. Go ahead?

15 A. So that the two Commissioners called me
16 in, they were in Commissioner Warren's office,
17 Commissioner Warren and Arnold were in Commissioner
18 Warren's office, they called me and said, you know,
19 we have a problem, we don't like this, we want to
20 take a look and see what we can do about getting rid
21 of Steve and Maggie.

22 And I said, I'm not a part of this,
23 this is on you, I will go get Steve. You guys deal
24 with it however you want.

25 Q. So let me back up. At this stage, to

1 your knowledge, and let's first talk about Maggie
2 McNamara, the only complaints you heard the
3 Commissioners say at this stage against Maggie
4 McNamara was, she made some typos and grammatical
5 errors in agendas -- -

6 MR. HAILSTONE: I object to the
7 form.

8 BY MR. KARAM:

9 Q. -- and she spoke gruffly with
10 Supervisors that they would not name?

11 A. Well, there was more than just that, it
12 was the -- you can talk about the grammatical errors,
13 but there was also the, you know, the wording of the
14 motions that was -- that they believe was an issue.
15 Also, it was the talking to the other Department
16 Heads, but also then there was the issue of Steve and
17 Maggie spending too much time together.

18 Q. And we'll get to that.

19 A. I'm sure.

20 Q. We'll get to that in a second.

21 A. And there were some issues there, I
22 can't remember what they were.

23 Q. But for what you just said, they wanted
24 to fire Maggie?

25 A. Yes.

1 Q. And they made it clear?

2 A. Yes.

3 Q. Now, let's go to this spending too much
4 time together. Was it clear to you that at some
5 point in time either Commissioner Arnold,
6 Commissioner Warren or both who were claiming or
7 insinuating that Maggie McNamara and Steve Stoud were
8 having an affair?

9 A. That was just Commissioner Arnold.

10 Q. And she made it clear to you that she
11 felt they were having an affair?

12 A. Yes.

13 Q. Were you the only one that she said
14 that to?

15 A. To my knowledge, no.

16 Q. Who else do you believe she said that
17 to?

18 A. The Solicitor.

19 Q. Mike Giangrecco?

20 A. Mike Giangrecco, Jeanne Conklin, who
21 was the HR Director at the time, and I don't know who
22 else but other people in the building knew.

23 Q. And do you believe that Commissioner
24 Arnold was using that belief to attempt to fire
25 Maggie McNamara and Steve Stoud?

1 A. I don't think so, I think her
2 motivation --

3 Q. Was that part of her motivation?

4 A. No, I think her motivation was that she
5 just wanted different people in those offices.

6 Q. What was her reasoning in saying that
7 Steve and Maggie were having an affair?

8 A. I don't know -- well, she was just
9 saying that they spend too much time in the office
10 and they're always giggling and stuff like that.

11 Q. And did she think that was
12 inappropriate?

13 A. Apparently.

14 Q. Did she ask what were they meeting
15 about?

16 A. You know, she may have. And my
17 response would be: I have no clue, why don't you go
18 ask them.

19 Q. So at this meeting where Arnold and
20 Warren said we want Stoud and McNamara fired, what
21 was your response?

22 A. My response was: I'm not part of this.
23 If you guys want to do this, you're going to do it on
24 your own.

25 I said, at this point I'll go get Mr.

1 Stoud. If you want to do something with McNamara you
2 -- I said, but at the same time you've got an
3 employee who's never been written up, never had any
4 discipline issues, you know, you can't do it this
5 way.

6 And I said, you might want to think
7 about this. And that's when they decided that
8 they're going to do a Written Warning instead of
9 terminating her. And that's when I said: Listen,
10 I'm going to get Steve, she works for Steve, she
11 doesn't work for me, I'm not doing this, I'm not
12 getting in the middle of it.

13 Q. Was Mike Giangrecco there at the time?

14 A. He was not in the meeting.

15 Q. Was he consulted?

16 A. I don't know if any of them consulted
17 him or not, I don't believe so, but then again, they
18 may have.

19 Q. At this meeting did Arnold or Warren
20 make complaints that Stoud and McNamara are
21 complaining that they were working in a hostile work
22 environment and that they're being harassed?

23 A. Did Commissioner Warren and
24 Commissioner Arnold say that?

25 Q. Yeah.

1 A. No.

2 Q. No?

3 A. No.

4 Q. Did you ever hear Warren or Arnold
5 complain that Stoud was claiming that he was working
6 in a hostile work environment or McNamara?

7 A. No, I don't think so -- I can't recall.

8 Q. So did there come a point where Stoud
9 was brought into the meeting?

10 A. Yes.

11 Q. And were you still there?

12 A. Yes.

13 Q. And what happened at the meeting?

14 A. Mr. Stoud came in and sat down and I
15 told them: Here he is, tell him what you want to do.

16 Q. And what did they tell him?

17 A. They both shared that they were not
18 pleased with McNamara's performance and that they
19 wanted her written up. And that there was issues and
20 they went down through some of the issues of the
21 spending too much time together, the problems with
22 the agendas, the attitude toward the Department Heads
23 and Elected Officials.

24 Q. And did Commissioner Arnold indicate
25 that people were talking about them?

1 A. I don't know if she said it there but
2 she has said that.

3 Q. Do you know who these people were?

4 A. Again, she doesn't tell you who she
5 talks to but she talks to everybody.

6 Q. Do you recall Steve Stoud asking who
7 these people were and Arnold saying, I don't have to
8 tell you?

9 A. I don't recall that. I had heard that
10 but I don't recall it.

11 Q. Do you recall Commissioner Warren or
12 Commissioner Arnold stating to Stoud that it doesn't
13 look good for them to be spending so much time
14 together?

15 A. Ask the question again?

16 Q. Do you recall either Commissioner
17 Arnold or Warren stating to Steve Stoud that it
18 doesn't look good for Stoud and McNamara to be
19 spending so much time together?

20 A. In that meeting?

21 Q. Well, in that meeting or at another
22 time?

23 A. I don't recall hearing the conversation
24 but I do remember either Mr. Stoud or somebody
25 telling me that that conversation existed.

1 Q. And was it after this meeting that she
2 went to Conklin, to your knowledge, that she went to
3 the HR Director Conklin and said: I want McNamara
4 and Stoud terminated?

5 A. No, I think that was before that
6 meeting.

7 Q. Before that meeting?

8 A. Yeah.

9 Q. And then on June 8th, 16, did you
10 attend another meeting regarding Stoud and McNamara,
11 around June of 2016?

12 A. You'd have to tell me what the
13 conversation was for me to remember.

14 Q. Where they came up with a list of
15 complaints that they wanted Stoud to address to
16 McNamara?

17 A. I think that was the same meeting.

18 Q. Okay. Could it have been a different
19 meeting where the actual list was given?

20 A. No. I think it was the day after the
21 initial meeting is when they came up with a list of
22 the issues to address.

23 Q. And did Steve Stoud indicate that he
24 didn't agree with this, that he felt that Maggie
25 McNamara -- that their complaints against Maggie

1 McNamara were not warranted?

2 A. Yes.

3 Q. And did they tell him that if he didn't
4 address these issues with them that he'd be fired?

5 A. I don't know if it was exactly worded
6 that way.

7 Q. How was it worded?

8 A. I can't remember.

9 Q. Well, can you paraphrase it?

10 A. Well, I think it would be the same with
11 any other employee, if we ask the employee to do
12 something and they refuse a direct order, then yeah,
13 they'd probably lose their job.

14 Q. Did Stoud indicate to them that some of
15 their allegations were inaccurate?

16 A. Yes, in his opinion he did say that.

17 Q. And what was their response to that?

18 A. I think -- I'm trying to recall the
19 conversation. I believe their response was that they
20 felt the allegations were correct.

21 Q. And did he indeed address those issues?

22 A. Yes.

23 Q. And he provided you and the other
24 Commissioners with documentation to address those
25 issues?

1 A. I believe he did.

2 Q. Did there come a point in time then
3 when you met with Steve Stoud and Maggie McNamara
4 about the environment that they were working in and
5 an opening in the District Attorney's office?

6 A. I did talk to -- I know I talked to
7 Maggie about that, I don't know if Steve was there or
8 not.

9 Q. And would it be accurate to say that
10 you basically said, hey, Maggie, these two, Warren
11 and Arnold, want to get rid of you, there's an
12 opening in the DA's office, you should apply for it?

13 A. No. I think my comment was, is that,
14 you know, the situation at hand, there's only a few
15 options; one, you can sit down with the two of them
16 and try to work it out, figure out how to get
17 something worked out so that it's, you know, works
18 for everybody or there's a position in the District
19 Attorneys' office, you can apply for that position.
20 I can't guarantee you because I'm only one
21 Commissioner, that things are going to change, get
22 better or get worse.

23 Q. When you say work out, work out what?

24 A. Work out the relationship that the
25 other two Commissioners had with her as far as the

1 issues they had at hand.

2 Q. And those issues were addressed with
3 Maggie through Steve Stoud, correct?

4 A. Right.

5 Q. How do you work out the Commissioners
6 saying, you're having affair with your Supervisor?

7 MR. HAILSTONE: I object to the
8 form. You can answer, if you can.

9 THE WITNESS: Well, I think you
10 need to have a conversation between two
11 people.

12 BY MR. KARAM:

13 Q. Wasn't it already said that that's just
14 simply not true? Weren't they informed that it
15 wasn't true?

16 MR. HAILSTONE: I object to the
17 form. I object to putting facts in the
18 record that aren't in the record. I
19 don't think that it was ever asked
20 whether.

21 BY MR. KARAM:

22 Q. Did you have knowledge that Arnold and
23 Warren were informed that this isn't true?

24 A. Well, I do know that both McNamara and
25 Stoud said that, you know, that is incorrect.

1 Q. Yet Arnold continued with the
2 insinuations?

3 A. Well, I don't know at the timing of it
4 as to how much continuation there was, if any.

5 Q. Do you recall in mid June, you
6 approaching Steve Stoud and saying that Commissioner
7 Arnold approached you and told you that she felt she
8 had to break them up in order to save Steve Stoud's
9 marriage?

10 A. That is true.

11 Q. And in mid June of 2016, she went on to
12 say, that if they're not having an affair, one's
13 going to happen?

14 A. I don't recall that.

15 Q. And did you tell her, Commissioner,
16 stop making statements like that?

17 A. Yes.

18 Q. Did you tell her that it's wrong for
19 her to make statements like that?

20 A. Yes.

21 Q. Did you tell her that it's going to get
22 us in a lawsuit if she continues to make statements
23 like that?

24 A. I would say, not quite to that level
25 but yes.

1 Q. After that occurred, did you instruct
2 or advise Steve Stoud to the contact the CCAP
3 Attorney, to tell him, you know, what's happening?

4 A. I don't --

5 MR. KARAM: We might as well put
6 this on the record, it was Mike Donohue
7 who, for the record, is in Jamie's
8 office who we have waived any conflict
9 issues and that's already been resolved
10 between Attorney Hailstone and myself.

11 THE WITNESS: I don't recall that.

12 BY MR. KARAM:

13 Q. Do you recall ever talking to the Steve
14 Stoud where he indicated, I talked to Mike Donohue
15 about this?

16 A. I don't recall Mike Donohue's name
17 coming up.

18 Q. Now, it's mid July, 2016, and Steve
19 Stoud, his position is still I believe the Chief
20 Clerk and he also held the position of Director of
21 Public Safety, correct?

22 A. Yes.

23 Q. And the salary he was receiving at the
24 time was based on him doing both positions?

25 A. Correct.

1 Q. And in mid July of 2016, do you recall
2 Commissioner Warren approaching you with a desire to
3 eliminate the Director of Public Safety position?

4 A. Her comment was that she didn't know if
5 we really needed a full-time Public Safety Director.

6 Q. But you didn't have a Full-Time Public
7 Safety Director because he was also Chief Clerk?

8 A. But we did when he first started.

9 Q. But in July of 2016 he was performing
10 both duties?

11 A. Right.

12 Q. So it would be impossible for him to be
13 doing Director of Public Safety full-time?

14 A. Right.

15 Q. By the way, do you know where Steve
16 Stoud's wife works?

17 A. I don't think she works. She used to
18 work at the County.

19 Q. When did she leave the County, do you
20 recall?

21 A. I can't recall. I think it was before
22 Mr. Stoud came -- I can't recall.

23 Q. So she --

24 A. She didn't work for the Commissioners.

25 Q. But she knows a lot of the County

1 employees, would that be fair to say?

2 A. That would be fair to say.

3 Q. October, 2016, there was an issue with
4 Commissioner Arnold and Steve Stoud regarding the
5 scheduling of a Penn State appointment that resulted
6 in you and Commissioner Arnold and Mike Giangrecco
7 having an animated discussion about it, do you recall
8 that?

9 A. Yes.

10 Q. Can you tell me about it?

11 A. Apparently what I know, Commissioner
12 Arnold went in to Mr. Stoud's office, there was a
13 confrontation that occurred. And I was not in the
14 office at the time or in the area. It came back to
15 me there was an issue. I met with our Solicitor, Mr.
16 Giangrecco, and talked to him. So the two of us
17 talked to Commissioner Arnold about protocol and
18 about the temperament of conversation.

19 Q. Would it be fair to say that you and
20 Solicitor Giangrecco indicated to Commissioner Arnold
21 that the way she was handling things was affecting
22 the entire Commissioners' staff?

23 A. That would be true.

24 Q. In a negative way, correct?

25 A. Correct.

1 Q. And she was told this?

2 A. Yes.

3 Q. And she was told to refrain from making
4 the comments she was making to Steve Stoud and
5 underlings for lack of a better term?

6 A. She was told to reframe from making the
7 comments and also going around his office and
8 breaking the chain of command.

9 Q. And do you recall Solicitor Giangrecco
10 drafting a letter to Commissioner Arnold?

11 A. Yes, I do.

12 Q. And what did that letter indicate?

13 A. If I recall in that letter, again it
14 was a letter telling her to cease and desist the way
15 she was handling things before it gets the County in
16 anymore trouble, and I was just paraphrasing, I can't
17 remember.

18 Q. Sure. How many letters did Mike
19 Giangrecco write to Commissioner Arnold telling her
20 that she has to stop this conduct?

21 A. I know of one. I don't know if there
22 was others. I do know of the one.

23 Q. If I told you that we believe there's
24 two.

25 A. There could be. I can't recall.

1 MR. KARAM: Jamie, do you have
2 those?

3 MR. HAILSTONE: I only have one.
4 If there is another one, I don't have
5 it.

6 MR. KARAM: Would I be able to get
7 a copy of the one you have? Do you have
8 it with you?

9 MR. HAILSTONE: No.

10 BY MR. KARAM:

11 Q. Was Commissioner Arnold told both by
12 you and Giangrecco that her actions were harassing
13 and retaliatory?

14 A. I'd have to look at the letter I wrote
15 and the letter that he wrote to see what is in there.
16 I can't remember exactly.

17 Q. How about in your conversations with
18 her when you were telling her to stop, did you not
19 tell her, you're harassing him?

20 A. I don't think I used the word
21 harassing. I said that -- and I was pretty blunt:
22 You need to stop doing this immediately before we get
23 in more trouble.

24 Q. And can we assume that you felt you
25 were going to get in more trouble because what she

1 was doing was wrong, in your mind?

2 A. Yeah, correct.

3 Q. Even if you didn't say it to her with
4 the knowledge that you have, would you believe her to
5 be harassing Steve Stoud?

6 MR. HAILSTONE: I object to the
7 form.

8 THE WITNESS: You're asking my
9 personal opinion?

10 MR. KARAM: Your personal opinion?

11 THE WITNESS: Well, definitely
12 Commonwealth Arnold and Commissioner
13 Warren have a different management style
14 than mine.

15 BY MR. KARAM:

16 Q. Would you believe the course of conduct
17 that Commissioner Arnold pursued against Steve Stoud
18 was harassing in nature?

19 MR. HAILSTONE: Same objection.

20 THE WITNESS: You know, again, I
21 would say that my personality and my
22 experiences and the way I manage is
23 entirely different than the way they do.
24 What I think is acceptable and what I
25 think is not acceptable might be

1 entirely different to them.

2 BY MR. KARAM:

3 Q. Was the way she handled things in the
4 workplace with Steve Stoud and Maggie McNamara
5 acceptable to you?

6 A. I wouldn't handled the things the way
7 she did.

8 Q. Could I take that to mean that it
9 wouldn't be acceptable to you?

10 A. Well, I wouldn't do it that way.

11 Q. Who's Lisa Kowalewski?

12 A. She was the IT Director at the County.

13 Q. And tell me what you know about Lisa
14 Kowalewski and Steve Stoud?

15 A. Lisa was hired as the IT Director for
16 the County, came in, went to work, things started out
17 fine. She had some medical issues, had to take some
18 time off, came back. When she came back, there was a
19 difference in personality. And I remember that she
20 -- I didn't witness it. My understanding is that she
21 came into the office area and there was a big
22 confrontation in the Commissioners' office and
23 Mr. Stoud.

24 Q. And was the HR Director present when
25 this happened as well to your knowledge?

1 A. My understanding, the HR Director,
2 Jeanne Conklin, was there at that time.

3 Q. And is it fair to say that the
4 HR Director's interpretation and viewpoint of what
5 happened there, was that Mr. Stoud did nothing wrong?

6 A. Yes.

7 Q. And that was a personnel issue that was
8 handled internally?

9 A. Yes.

10 Q. And there come a point in time then,
11 after this incident, that Commissioner Arnold looked
12 into it on her own?

13 A. I can't answer that, I'm not sure
14 exactly. If you can rephrase the question?

15 Q. Well, did there come a point in time
16 then when Commissioner Arnold went into the IT
17 office, wherever that IT office is, to talk to the
18 other employees about the incident?

19 A. She could have.

20 Q. You're not aware of it?

21 A. I'm not aware of it.

22 Q. Were you aware Commissioner Arnold's
23 stating to the other employees that it was Stoud's
24 fault and we girls have to stick together?

25 A. I did hear that. I didn't witness but

1 I hear that.

2 Q. Did there come a point in time
3 subsequent to November 3rd, 2016, and I'm submitting
4 that Kowalewski occurred on November 3rd, 2016. Did
5 there come a point from time when Kowalewski
6 retrieved all of the E-mails between Maggie McNamara
7 and Steve Stoud to your knowledge?

8 A. Yes.

9 Q. How did that occur?

10 A. Commissioner Warren and Commissioner
11 Arnold wanted to know what was in those E-mails?

12 Q. Why?

13 A. I have no idea. I refrained and I
14 said: I'm not involved in it. If you two want to
15 team up and do this, you're on your own.

16 I brought our Solicitor in and he told
17 them not to do it also.

18 Q. Who was your Solicitor?

19 A. Michael Giangrecco.

20 Q. And so against your advice, against the
21 Solicitor's advice, they decided to retrieve all
22 County E-mails between Maggie McNamara and Steve
23 Stoud?

24 A. Correct.

25 Q. Any other employees?

1 A. There has been others in the past but
2 employees that have left the County.

3 Q. But at this stage, did they want to
4 retrieve any other employees besides Stoud and
5 McNamara?

6 A. No.

7 Q. And then who did they contact to do
8 this?

9 A. That went through the -- I believe the
10 New Chief Clerk and I believe IT Director.

11 Q. Ms. Kowalewski?

12 A. Yes.

13 Q. And they did it?

14 A. And they did it.

15 Q. And they found nothing?

16 A. My knowledge.

17 Q. And did there come a point in time when
18 you became aware that Kowalewski was conducting her
19 own separate investigation into Steve Stoud?

20 A. Yes.

21 Q. Tell me what you know about that?

22 A. Apparently my understanding was, was
23 that in getting the E-mails for the other two
24 Commissioners, she came across an E-mail about
25 something, and then started doing a background check

1 on Mr. Stoud which led to accusations of some
2 wrongdoing by Mr. Stoud.

3 Q. That he was committing some type of
4 fraud or kickback with a County Vendor?

5 A. That's correct.

6 Q. And Commissioner Arnold knew about
7 this, correct, knew about this private investigation
8 that Kowalewski was conducting?

9 A. All the Commissioners did.

10 Q. And knew about the allegations against
11 Steve Stoud that Kowalewski was making?

12 A. Correct.

13 Q. Wasn't indeed Arnold part of that
14 investigation, she was, you know, she was
15 side-by-side with Kowalewski in conducting this
16 investigation?

17 A. That I do not know.

18 Q. Kowalewski was certainly keeping her up
19 to date on everything she was doing though?

20 A. If she was, it wasn't to my knowledge.

21 Q. And as a result of this investigation,
22 it was brought to the District Attorney's attention
23 of Susquehanna County?

24 A. Correct.

25 Q. And at the time Steve Stoud was the

1 Director of Public Safety in Susquehanna County and a
2 part-time County Detective?

3 A. Correct.

4 Q. And because the Commissioners now,
5 not you, but the other two, brought this to the
6 attention of the District Attorney's office, Steve
7 Stoud was suspended by the District Attorney's office
8 in his position as County Detective.

9 A. I'd have to check with the District
10 Attorney's office, I don't recall.

11 Q. I'm saying that he was.

12 So are you familiar with what the
13 results of this investigation were?

14 A. Yes.

15 Q. What were they?

16 A. That it was unfounded. That the
17 information that was there had to deal with something
18 many years ago and it wasn't with him. It was his
19 son I believe it was, some business or something that
20 he had. That there was nothing there which resulted
21 in the IT Director being terminated.

22 Q. Who voted on the IT Director being
23 terminated?

24 A. That was a decision made by the Chief
25 Clerk, the HR Director and the three Commissioners.

1 Q. Attorney Robin Reed was the CCAP
2 Attorney at one point?

3 A. Yes.

4 Q. Did she come in at any point in time
5 and tell Commissioner Arnold, you need to treat
6 Stoud a little more professionally?

7 A. Yes.

8 Q. McNamara takes the job in the DA's
9 office, right?

10 A. Yes.

11 Q. After she took the job in the DA's
12 office, were the Commissioners continuing to complain
13 about her?

14 A. My understanding, there was comments
15 with the District Attorney, and I wasn't privy what
16 was going on with that.

17 (At this time there was a brief
18 discussion held off the record.)

19 MR. KARAM: For the record, the
20 caption is Robert Stoud but he is
21 commonly called Steve, so for the
22 purposes of the deposition we are
23 calling him Steve.

24 (At this time there was a brief
25 recess taken.)

1 BY MR. KARAM:

2 Q. Commissioner, did there ever come a
3 point where you were so concerned about the conduct
4 of Commissioner Arnold towards Steve Stoud or Maggie
5 McNamara that you ended up writing her a letter?

6 A. Yes.

7 Q. And what did you say in that letter?

8 A. Oh boy, I can't recall the exact
9 wording, but the gist of it was, she needed to follow
10 the chain of command, needed to be professional.

11 Q. Did part of it talk about the County
12 can't run if a Commissioner doesn't communicate with
13 the Chief Clerk, I'm paraphrasing?

14 A. I think what was in that one was, we
15 have 8:15 briefing every morning, part of that was
16 telling her that she needed to at the 8:15 briefing
17 because she wasn't coming in, and in order for the
18 Commissioners to know what was going on and to give
19 direction to the Chief Clerk and the people that need
20 direction can't do if you're not there. And I think
21 it went on to say that she needed to communicate with
22 the Chief Clerk because he is the person in charge of
23 running the County.

24 Q. And was she refusing to communicate
25 with the Chief Clerk at that point?

1 A. I would say pretty much, yes.

2 Q. And do you believe that was because of
3 her personal animus against the Chief Clerk?

4 A. I don't know her exact feelings but I
5 know she was not communicating with him.

6 Q. And would the Chief Clerk not being
7 able to communicate with one of the Commissioners, in
8 your opinion would that hamper the Chief Clerk's
9 ability to do his job to his fullest extent?

10 A. Well, it makes it more difficult when
11 all three are not informed and on the same page. I
12 mean, you don't expect all the Commissioners to agree
13 all the time.

14 MR. KARAM: Jamie, would I be able
15 to get a copy of that, a copy of these
16 letters for tomorrow?

17 MR. HAILSTONE: I can bring them
18 with me. And when you were asking
19 earlier about two letters from Mike
20 Giangrecco. And I think what the
21 confusion was, there's one from Mike and
22 one from Commissioner Hall. I don't
23 think there's two from Mike. I will go
24 back and check. I only have one.

25 BY MR. KARAM:

1 Q. Did you write any other letters?

2 A. I can't recall. I know there was one.
3 I don't know if there was a second or not, there may
4 have been two, I don't know.

5 Q. Maggie McNamara and Steve Stoud filed
6 an EEOC Complaint, I believe it was September 2016,
7 around, I could be wrong about that, and I know you
8 don't want to use the words harassing or retaliatory.

9 Did the improper conduct towards Steve
10 Stoud and Maggie McNamara continue after they filed
11 their EEOC Complaint?

12 A. Correct.

13 Q. And is it fair to say that Arnold and
14 Warren were not happy with what Stoud and McNamara
15 were saying, that they were working in a hostile work
16 environment and being retaliated against?

17 A. I can't recall the exact conversations
18 on that.

19 Q. When you would confront Arnold about
20 doing -- about improperly dealing with Stoud, what
21 was her response?

22 A. I'm a Commissioner, I'll do what I want
23 to do.

24 Q. Did you talk to her that she was
25 exposing the County to unnecessary litigation?

1 MR. HAILSTONE: I object to the
2 form.

3 BY MR. KARAM:

4 Q. Did you warn her that she's exposing
5 the County to a lawsuit and hostile work environment
6 complaints and retaliation complaints.

7 A. I warned her that her actions could
8 lead to legal liabilities for the County.

9 Q. And what was her response to that?

10 A. She really didn't say much to me.

11 Q. She didn't say much to you?

12 A. No.

13 Q. How do you get along with Commissioner
14 Arnold?

15 A. Hot and cold.

16 Q. And now I'm going to get into a little
17 bit of politics because I don't understand much of
18 it up there.

19 When you run as a Commissioner, I know
20 the first time you ran you said you ran on your own?

21 A. Yes.

22 Q. The next time you ran, did you run as a
23 team?

24 A. No.

25 Q. You always run on your own?

1 A. Yes.

2 Q. Historically in Susquehanna County, is
3 that how it's been, people running on their own for
4 Commissioner?

5 A. Yes.

6 MR. KARAM: That's it.

7 MR. HAILSTONE: No questions.

8 I just want to clarify on the
9 record, that I represent the Defendants,
10 Susquehanna County. I don't remember
11 Commissioner Hall outside of his
12 position as Commissioner. And the
13 statements he made today, personal
14 opinions, don't reflect on the
15 Defendant, Susquehanna County.

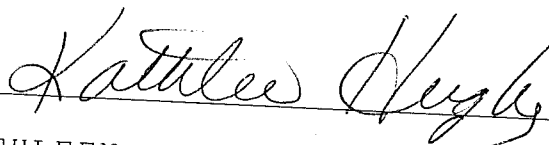
16 MR. KARAM: Well, I disagree, that
17 it doesn't reflect on the Defendant,
18 Susquehanna County, but I agree that
19 Jamie is here just representing the
20 County of Susquehanna, Susquehanna
21 County.

22
23 (At this time the deposition
24 in the above-captioned matter
25 was concluded.)

C E R T I F I C A T E

I, Kathleen Hughes, a Notary Public in and for Luzerne County, Pennsylvania, do hereby certify that the deposition was reported in machine shorthand by me, that the said witness was duly sworn/affirmed by me, that the transcript was prepared by me or under my supervision and constitutes a complete and accurate record of same.

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

A handwritten signature in cursive script, reading "Kathleen Hughes", is written over a horizontal line.

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